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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,642	01/04/2002	Thomas J. Conway	56995US002	9185
32692	7590	08/25/2004		
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427				
EXAMINER NORDMEYER, PATRICIA L.				
ART UNIT		PAPER NUMBER		
1772				

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,642

Applicant(s)

CONWAY ET AL.

Examiner

Patricia L. Nordmeyer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 23-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 46-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Repeated Rejections

1. The 35 U.S.C. 102(b) rejection of claims 1 – 11 and 46 – 48 as anticipated by Gajewski et al. are repeated due to the arguments presented by the Applicant in the paper dated June 18, 2004 are unpersuasive.

Gajewski et al. discloses a laminate (Column 1, lines 13 – 14) comprising a first and second bonding sheets (Column 8, lines 3 – 4) made from polyvinyl butyral that have a major surface surfaces and peripheral edges (Column 7, lines 1 – 2 and Figure 2, # 12 and 24), wherein both the first and second bonding layers are suitable for bonding to glazing components (Column 5, lines 21 – 24 and lines 29 – 32). A transparent optical sheet comprising an extruded multi-layer sheet of semi-rigid material having a major surface and a peripheral edge (Column 7, lines 15 – 16 and Figure 4, #26) such as polyester (Column 8, lines 26 – 27) is located in between the laminating sheets and glazing components (Column 5, lines 21 – 32) and is bonded with the bonding sheets by laying the edge of the optical sheet within the peripheral edge of the bonding sheet (Figure 2). As seen in Figure 4, the major surface of the optical sheet and the major surface of the bonding materials are positioned together. The optical film is of size so that is positioned within the peripheral edge of the glazing components (Figures 1 and 2, Column 6, 8, lines 35 – 37). While one of the major surfaces of the bonding sheets are in contact with the optical sheet, the other major surface of the bonding sheets are in contact with the major surfaces of the glazing components (Figure 2, #12, 14, 24 and 22). The optical film is completely within

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the peripheral edges of the glazing components (Figure 2, #12, 20 and 22). The layers in the laminate are fully bonded together so that no voids adjacent to the peripheral edge of the optical sheet (Figure 5).

2. The 35 U.S.C. 103 rejection of claims 12 – 22 over Gajewski et al. in view of Frost et al. are repeated due to the arguments presented by the Applicant in the paper dated June 18, 2004 are unpersuasive.

Gajewski et al. discloses a laminate (Column 1, lines 13 – 14) comprising a first and second bonding sheets (Column 8, lines 3 – 4) made from polyvinyl butyral that have a major surface surfaces and peripheral edges (Column 7, lines 1 – 2 and Figure 2, # 12 and 24), wherein both the first and second bonding layers are suitable for bonding to glazing components (Column 5, lines 21 – 24 and lines 29 – 32). A transparent optical sheet comprising an extruded multi-layer sheet of semi-rigid material having a major surface and a peripheral edge (Column 7, lines 15 – 16 and Figure 4, #26) such as polyester (Column 8, lines 26 – 27) is located in between the laminating sheets and glazing components (Column 5, lines 21 – 32) and is bonded with the bonding sheets by laying the edge of the optical sheet within the peripheral edge of the bonding sheet (Figure 2). As seen in Figure 4, the major surface of the optical sheet and the major surface of the bonding materials are positioned together. The optical film is of size so that is positioned within the peripheral edge of the glazing components (Figures 1 and 2, Column 6, 8, lines 35 – 37). While one of the major surfaces of the bonding sheets are in contact with the optical sheet, the other major surface of the bonding sheets are in contact with the major surfaces

of the glazing components (Figure 2, #12, 14, 24 and 22). The optical film is completely within the peripheral edges of the glazing components (Figure 2, #12, 20 and 22). The layers in the laminate are fully bonded together so that no voids adjacent to the peripheral edge of the optical sheet (Figure 5). However, Gajewski et al. fails to disclose the multi-layer optical film having a peripheral strip having a width and an inner peripheral edge, said peripheral strip being disposed beyond the peripheral edge of said optical sheet and the inner peripheral edge of said strip and peripheral edge of said optical sheet defining a slit therebetween, the slit going through the optical sheet and one said first or second bonding sheets, a hole formed through the optical film, the optical film peripheral edge extending beyond the peripheral edge of at least one glazing component and the optical film peripheral edge extending beyond the peripheral edge of at least one glazing component.

Frost et al. teach an intermediate film, optical sheet, in between two glazing components that is cut in a variety of sizes including the same size as the glazing components, smaller than the components or larger than the components, extends beyond the edges of the glazing components, (Column 2, lines 6 – 9) or forming an incision or slit into the intermediate film, optical sheet, (Column 2, lines 10 – 14 and Figure 3, #8) for the purpose of removing excess material from the intermediate film to ensure that the film is completely encased by the outer substrates, controlling corrosive risks and for inserting wires and other electronic equipment in between the layers of material.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the slits and the different sizes of optical sheets in Gajewski et al. in order to remove excess material from the intermediate film to ensure that the film is completely encased by the outer substrates, controlling corrosive risks and for inserting wires and other electronic equipment in between the layers of material.

Response to Arguments

3. Applicant's arguments filed June 18, 2004 have been fully considered but they are not persuasive.

In response to Applicant's argument that Gajewski et al. fails to disclose a non-metallic multi-layer optical film, Gajewski et al. does disclose a non-metallic multi-layer optical film made from rigid polyester material (Column 7, lines 15 – 16 and lines 47 – 51), as pointed out in the arguments presented in the response dated June 18, 2004 with the co-extruded laminate of thermoplastic material, polyester material and another layer of thermoplastic material. The film has optical properties since it is transparent, which allows visible light to filter through it, and is used in automobile windows (Column 1, lines 10 – 13), where the driver has to be able to see through it in order to drive the automobile safely. Gajewski et al. meets all the claim limitations present, and therefore, the combination of Gajewski et al. and Frost et al, which is also directed towards automobile glass, is proper.

In response to Applicant's argument that since Gajewski et al. fail to disclose every element of the claimed invention and therefore makes the rejection of Gajewski et al. in view of Frost et al. not possible, please the above arguments presented with regard to the Gajewski et al. reference.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln
pln


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

8/18/04